

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff  
v. \_\_\_\_\_  
Defendant

**CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE**

In accordance with 28 U.S.C. §636(c) and Rule 73(b) of the Federal Rules of Civil Procedure, the undersigned counsel of record **CONSENTS** to have a United States Magistrate Judge conduct all further proceedings in this case, including bench or jury trial, and order the entry of final judgment.

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Attorney for \_\_\_\_\_

**MAGISTRATE JUDGES DO NOT CONDUCT TRIALS IN CRIMINAL FELONY CASES. ACCORDINGLY, CRIMINAL TRIALS DO NOT INTERFERE WITH THE SCHEDULING AND PROCESSING OF CIVIL CASES ASSIGNED TO MAGISTRATE JUDGES AND ARE THEREFORE RESOLVED SOONER.**

**REFUSAL TO CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE**

Consent to proceed before a United States Magistrate Judge for trial or order of an entry of final judgment is refused. I understand that a United States Magistrate Judge may retain jurisdiction of this matter for purposes of resolving non-dispositive motions.

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Attorney for \_\_\_\_\_

- \*PLAINTIFF IS TO SERVE THIS FORM ON ALL DEFENDANTS WITH THE COMPLAINT.
- \*PLAINTIFF SHALL FILE THIS FORM ON OR BEFORE THE DATE THAT PLAINTIFF FIRST SEEKS SERVICE OF THE COMPLAINT UPON THE DEFENDANT(S) IN ANY MANNER PROVIDED BY RULE 4, Fed. R. Civ. Proc.
- \*DEFENDANTS MUST FILE THIS FORM WITH THEIR **FIRST** RESPONSIVE PLEADING.

Please see the reverse side for further information and directions.

## **CONSENT FORM INSTRUCTIONS**

In the Western District of North Carolina, a new civil action is randomly assigned to either a District Judge or a Magistrate Judge at the time of filing. Upon filing, the plaintiff is to provide a copy of the Consent/Refusal Form to all defendants. **The plaintiff must serve this form on all defendants with their copy of the complaint.**

**Each plaintiff must file this Consent/Refusal Form on or before the date that plaintiff first seeks service of the complaint upon the defendant(s) in any manner provided by Rule 4, Fed. R. Civ. Proc.**

**Each defendant's Consent/Refusal Form must be filed with said defendant's first responsive pleading.**

A United States Magistrate Judge may, with the consent of the parties, conduct all proceedings in this civil action, including a bench or jury trial, and order the entry of final judgment. See 28 U.S.C. §636 and F.R.C.P. 73. The statute provides for direct appeal to the U.S. Court of Appeals for the Fourth Circuit.

If this case has been randomly assigned to a District Judge and all parties consent to have the Magistrate Judge conduct all proceedings, the case may be referred to a Magistrate Judge.

If this case has been randomly assigned to a Magistrate Judge and not all parties consent, the Magistrate Judge may still be responsible for the pretrial processing of the case. The Magistrate Judge may hear and decide all non-dispositive pretrial and discovery matters. The Magistrate Judge may consider dispositive motions by issuing proposed findings and a recommendation to the District Judge in accordance with F.R.C.P. 72(a) and (b). When the Magistrate Judge has issued proposed findings and a recommendation on a dispositive motion, the case will be sent back to the Clerk of Court for random reassignment to a District Judge. Thereafter, if the dispositive motion does not resolve the case, the District Judge will return the file to the Magistrate Judge who will preside over the case until it is ready for trial. When the case is ready for trial, it will be returned to the District Judge for all further proceedings.

**EACH PARTY HAS THE DUTY TO RESPOND TO THIS ADMINISTRATIVE ORDER BY FILING THE CONSENT/REFUSAL FORM.** File the form on the reverse side of this Order with the Clerk of Court.

**IT IS THEREFORE ORDERED** that Plaintiff(s) serve a copy of the Consent/Refusal form on all defendants with the complaint.

Plaintiff must file an executed form on or before the date that plaintiff first seeks service of the complaint upon the defendant(s) in any manner provided by Rule 4, Fed. R. Civ. Proc.

Each defendant must file a Consent/Refusal Form with said defendant's first responsive pleading.

Frank G. Johns

Clerk, United States District Court